FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3650/1995

The Divisional Controller, Maharashtra State Road Transport Corporation, Divisional Office, Buldana
...Versus...
B.T. Dhule

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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(Shri V.G. Wankhede, Adv. for petitioner)

CORAM:- A.B. CHAUDHARI, J.
DATED :- 06.07.2007.

Heard Advocate Shri S.N. Gaikwad, holding for Advocate Shri Wankhede for petitioner. Counsel for respondent is absent though served.

What is under challenge is the order dated 9.10.1995, passed by the Industrial Court, Amravati allowing the revision preferred by the respondent – conductor working with M.S.R.T.C., Buldana and directing M.S.R.T.C. to reinstate him in service but without back wages and with continuity of service. Having gone through the entire writ petition as well as impugned order and order made by this Court, it appears that this Court

issued Rule, but on the statement made by the Corporation that it would reinstate the respondent instead of fixing liability under Section 17 - B of the Industrial Disputes Act, 1947, it appears that the respondent was reinstated. It further appears from the record that respondent must have attained age of superannuation by now. The respondent must have worked and earned wages. In view of the fact that the respondent must have retired from service, I do not think it fit and proper to exercise writ jurisdiction. Writ petition is, therefore, dismissed. No order as to costs.

JUDGE

ssw